KINDER MORGAN
LIQUIDS TERMINALS LLC

Certified #

RECEIVED
TCEQ
2015 SEP 4 PM 4 01
WATER SUPPLY DIV.

August 19, 2015

TCEQ
PO Box 13087, MC-160
Austin, TX 78711-3087

Re: Application for a Permit to Appropriate Public Water
Customer No. CN 603991928; Regulated Entity No. 106057516

To Whom It May Concern:

KM Liquids Terminals LLC - BOSTCO Terminal is submitting an application for a permit to appropriate public water and all applicable attachments. The intended water use will be both industrial and non-consumptive. Also, based on a total water use requested between 10,001 - 250,000 acre-feet, a fee of $1,000 is included with the application. If you have any questions or comments, please feel free to call me at (281) 946-1841.

Thank you,

John Powe
Senior EHS Specialist

Enclosures:
Application for Permit to Appropriate State Waters
Water Conservation Plan
TCEQ TPDES Permit
All Applicable DMRs

1836 Miller Cut Off Road La Porte, TX 77571 Ph: (281)946-1841

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
APPLICATION FOR PERMIT TO APPROPRIATE STATE WATER
(SECTION 11.121, 11.042, 11.085 **OR** 11.143, TEXAS WATER CODE)
TAC CHAPTERS 30, 50, 281, 287, 288, 295, 297 AND 299
Water Supply Division, Water Rights Permitting MC-160
P.O. Box 13087
Austin, Texas 78711-3087
Telephone (512) 239-4691, FAX (512) 239-4770
(if including a check, mail directly to P.O. Box 13088, Austin, TX 78711-3088)

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2015 SEP 4 PM 4 01
TCEQ
WATER SUPPLY DIV.

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

1. Applicant Information.

A. Applicant Name(s): KM Liquids Terminals LLC - BOSTCO Terminal

Mailing Address: 1836 Miller Cut Off Road

LaPorte, Texas 77571

Telephone Number: 281-946-1841 Fax Number: N/A

Email Address: John_Powe@kindermorgan.com

B. Customer Reference Number (if issued): CN603991928

Note: If you do not have a Customer Reference Number, complete Section II of the Core Data Form (TCEQ-10400) and submit it with this application.

C. Fees and Penalties

Applicant owes fees or penalties?

☐ Yes ☑ No

If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

D. Lienholder Information

Provide this information on the holder of any liens on any land to which the water right would be appurtenant):

None

2. Dam (structure), Reservoir and Watercourse Data.

A. Type of Storage Reservoir (indicate by checking (√) all applicable)

☐ on-channel ☐ off-channel ☐ existing structure ☐ proposed structure* ☐ exempt structure**

*Applicant shall provide a copy of the notice that was mailed to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir, will be located as well as copies of the certified mailing cards.

**TWC Section 11.143 for uses of water for other than domestic, livestock, or fish and wildlife from an existing, exempt reservoir with a capacity of 200 acre-feet or less. Please complete Paragraph 6 below if proceeding under TWC 11.143.

Date of Construction:

B. Location of Structure No. _____

1) Watercourse: _____

2) Location from County Seat: _____ miles in a _____ direction from _____, _____ County, Texas.

Location from nearby town (if other than County Seat): _____ miles in a _____ direction from _____, a nearby town shown on county highway map.

3) Zip Code: _____

4) The dam will be/is located in the _____ Original Survey No. _____, Abstract No. _____ in _____ County, Texas.

5) Station _____ on the centerline of the dam is _____° _____ (bearing), _____ feet (distance) from the _____ corner of _____ Original Survey No. _____, Abstract No._____, in _____County, Texas, also being at Latitude _____°N, Longitude _____°W.

Provide the Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location.

C. Reservoir:

1) Acre-feet of water impounded by structure at normal maximum operating level: NA

2) Surface area in acres of reservoir at normal maximum operating level: NA

D. Drainage Area

The drainage area above the dam is _____ acres or _____ square miles.

E. Other

1) If this is a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure, provide the Site No. _____ and watershed project name _____.

2) Do you request authorization to close the "ports" or "windows" in the service spillway?

☐ Yes ☐ No

3. Appropriation/Diversion Request (total amount of water needed, including maximum projected uses and accounting for evaporative losses for off-channel storage, if applicable).

A. Appropriated water will be used as follows:

	Purpose*	Place of Use	Acre-feet per year
1)	Fire Protection	On-Site	20.4
2)	Tank Hydrotesting	On-Site	77.34
3)	Tank Washing	On-Site	20

*If agricultural use, list crops(s) to be irrigated:

_____

B. Lands to be irrigated (if applicable):

1) Applicant proposes to irrigate a total of 0 acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, Texas. A copy of the deed(s) describing the overall tract(s) with the recording information from the county records is attached.

2) Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

C. Diversion Point No. 1_____.

1) Watercourse: Houston Ship Channel, _____.

2) Location of point of diversion at Latitude 29.729796°N, Longitude -95.051952°W,
Provide Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location..

also bearing _____° _____, _____feet (distance) from the _____ corner of the _____Original Survey No. _____, Abstract No._____,County, Texas.

3) Location from County Seat: 17.1 miles in an East direction from Houston, Harris County, Texas.
Location from nearby town (if other than County Seat): _____ miles in a _____ direction from _____, a nearby town shown on county highway map.

4) Zip Code: 77571

5) The diversion will be (check (√) all appropriate boxes and if applicable, indicate whether existing or proposed):

√	Directly from stream	existing	
	From an on-channel reservoir		
	From stream to an off-channel reservoir		
	From a stream to an on-channel reservoir		
	From an off-channel reservoir		
	Other method (explain fully, use additional sheets if necessary)		

6) Rate of Diversion (Check (√) applicable provision):

_√__1. Diversion Facility:

A. 9000 Maximum gpm (gallons per minute)

B. 3 Number of pumps

C. Positive Displacement Pump Type of pump

D. 3,000 gpm, Pump capacity of each pump

E. Portable pump _____ Yes or __X__ No.

___2. If by gravity:

A. ____ Headgate _____ Diversion Dam _____ Maximum gpm

B. ____ Other method (explain fully - use additional sheets if necessary)

_____

_____

7) The drainage area above the diversion point is N/A acres or _____ square miles.

D. Return Water or Return Flow **(location and quantity information, provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location):**

Water which is diverted but not consumed as a result of the above stated use, will be returned to Houston Ship Channel, tributary of Trinity Bay, tributary of _____, San Jacinto Basin, at a point which is at Latitude 29.72529 °N, Longitude -95.0557 °W, also, bearing _____° _____ (direction), _____ feet (distance) from the _____ corner of the _____ Original Survey No. _____, Abstract No. _____, in _____ County, Texas.

Zip Code: 77571

Estimated **annual** amount of return flow to said stream will be 238 acre-feet.

E. Surplus Water **(provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location):**

Water which is diverted but not used beneficially will be returned to Houston Ship Channel, tributary of Trinity Bay, San Jacinto Basin at a point which is at Latitude 29.72529 °N, Longitude 95.0557 °W, also bearing _____° _____ (direction), _____ feet (distance) from the _____ corner of the _____ Original Survey No. _____, Abstract No. _____, in _____ County, Texas.

Zip Code: 77571

4. Discharge Point Information **(if applicable, provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location).**

Discharge Point No. or Name: 1

A. Select the appropriate box for the source of water being discharged:

☐ Treated effluent

☐ Groundwater

√ Other Hydrostatic discharge Water, tank wash water, and firefighting discharge water originating from the Houston Ship Channel

B. Location of discharge point will be/is at Latitude 29.72529 ° N, Longitude -95.055658 °W, also bearing _____° _____, _____ feet from the _____ corner of the _____ Original Survey No. _____, Abstract No. _____, in _____

_____County, Texas.

What method was used to determine the Latitude and Longitude for the discharge point? (*i.e.*, GPS Unit, USGS 7.5 Topographic Map, etc.)

Google Earth

C. Location from County Seat: 17.1 miles in an East direction from Houston,

Harris County, Texas.

Location from nearby town (if other than County Seat): _____ miles in a _____

direction from _____, a nearby town shown on county highway map.

D. Zip Code: 77571

E. Water will be discharged directly into the Houston Ship Channel stream/reservoir,

(tributaries) _____,

San Jacinto Basin.

F. Water will be discharged at a maximum rate of 5.1 cfs (2,289 gpm).

G. The amount of water that will be discharged is 3,695 acre-feet per year.

H. The purpose of use for the water being discharged will be Fire protection, tank hydrotesting, tank washing.

I. Additional information required:

For groundwater

1) Provide water quality analysis and 24 hour pump test for the well if one has been conducted.
2) Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map
3) Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
4) What aquifer the water is being pumped from?

For treated effluent

1) What is the TPDES Permit Number? Provide a copy of the permit.
2) Provide the monthly discharge data for the past 5 years.
3) What % of treated water was groundwater, surface water?
4) If any original water is surface water, provide the base water right number.

5. General Information.

A. The proposed _____ or existing _x_ works will be (are) located on the land of Applicant _____, whose mailing address is 1836 Miller Cut Off Road, LaPorte, TX 77571

B. If an application for the appropriation is granted, either in whole or in part, construction works will begin within One Month after such permit is issued. The proposed work will be completed within One Month from the date the permit is issued.

C. A Water Conservation Plan is attached? _X_ Yes _____ No.

D. _X_ Interbasin transfer is not requested.

_____Applicant requests authorization to transfer _____ acre-feet of water per year from the _____ Basin to the _____ Basin of which _____ acre-feet of water will be used for _____ purposes and _____ acre-feet of water will be used for _____ purposes.

E. _____ Bed and Banks request to transfer _____ acre-feet of water per year within the bed and banks of _____, tributary of _____, _____ Basin.

F. Is this project located within 200 river miles of the coast? _X_ Yes _____No _____Unknown

5. Maps, plats, plans, and drawings accompany this application as required by applicable TAC Sections.

_X_ Yes _____ No. Attach additional sheets.

6. _____The dam(s) and reservoir(s) shown on the attached application was (were) constructed for domestic and livestock purposes and I/we elect to seek a permit under Section 11.143 of the Texas Water Code.

7. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement.

_____

_____

_____

_____ _____

Applicant Name (Sign) Applicant Name (Sign)

John Powe _____

Applicant Name (Printed) Applicant Name (Printed)

SWORN TO AND SUBSCRIBED before me this 1 day of September, 2015.

NOTARY PUBLIC STATE OF TEXAS
JENNI FULLER
My Commission Expires
April 15, 2017

Jenni Fuller
Notary Public for the State of Texas

_____Applicant requests authorization to transfer _____ acre-feet of water per year from the _____ Basin to the _____ Basin of which _____ acre-feet of water will be used for _____ purposes and _____ acre-feet of water will be used for _____ purposes.

E. _____ Bed and Banks request to transfer _____ acre-feet of water per year within the bed and banks of _____ , tributary of _____, _____ Basin.

F. Is this project located within 200 river miles of the coast? __X__ Yes _____No _____Unknown

5. Maps, plats, plans, and drawings accompany this application as required by applicable TAC Sections.

__X__ Yes _____ No. Attach additional sheets.

6. _____The dam(s) and reservoir(s) shown on the attached application was (were) constructed for domestic and livestock purposes and I/we elect to seek a permit under Section 11.143 of the Texas Water Code.

7. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement.

_____

_____

_____

_____ _____

Applicant Name (Sign) Applicant Name (Sign)

JOHN POWE _____

Applicant Name (Printed) Applicant Name (Printed)

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20_____.

_____

Notary Public for the State of Texas

Supplemental Discharge Point Information Sheet

Discharge Point No. or Name: 2

1) Select the appropriate box for the source of water being discharged:

☐ Treated effluent

☐ Groundwater

√ Other Hydrostatic discharge Water, tank wash water, and firefighting discharge water originating from the Houston Ship Channel

2) Location of discharge point will be/is at Latitude 29.729490 °N, Longitude -95.049420 °W,

also bearing _____°_____, _____feet from the _____ corner of the _____

Original Survey No. _____, Abstract No. _____, in _____County, Texas.

Provide the latitude and longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location. (*i.e.*, GPS Unit, USGS 7.5 Topographic Map, etc.)

Google Earth

3) Location from County Seat: 17.2 miles in an East direction from Houston,

Harris County, Texas.

Location from nearby town (if other than County Seat): _____ miles in a _____

direction from _____, a nearby town shown on county highway map.

4) Zip Code: 77571

5) Water will be discharged into Houston Ship Channel stream/reservoir,

(tributaries)_____,

_____ Basin.

6) Water will be discharged at a maximum rate of 5.1 cfs (2,289 gpm).

7) The amount of water that will be discharged is 3,695 acre-feet per year.

8) The purpose of use for the water being discharged will be Fire protection, tank hydrotesting, tank washing.

9) Additional information required:

For groundwater

1. Provide water quality analysis and 24 hour pump test for the well if one has been conducted.
2. Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map
3. Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
4. What aquifer the water is being pumped from?

For treated effluent

1. What is the TPDES Permit Number? Provide a copy of the permit.
2. Provide the monthly discharge data for the past 5 years.
3. What % of treated water was groundwater, surface water?
4. If any original water is surface water, provide the base water right number.

Supplemental Discharge Point Information Sheet

Discharge Point No. or Name: Treatment System Outfall

1) Select the appropriate box for the source of water being discharged:

✓ Treated effluent

☐ Groundwater

☐ Other

2) Location of discharge point will be/is at Latitude 29.72468 °N, Longitude -95.05562 °W,

also bearing _____°_____, _____feet from the _____ corner of the _____

Original Survey No. _____, Abstract No. _____, in _____County, Texas.

Provide the latitude and longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location. (*i.e.*, GPS Unit, USGS 7.5 Topographic Map, etc.)

Google Earth

3) Location from County Seat: 17.2 miles in an East direction from Houston,

Harris County, Texas.

Location from nearby town (if other than County Seat): _____ miles in a _____

direction from _____, a nearby town shown on county highway map.

4) Zip Code: 77571

5) Water will be discharged into Houston Ship Channel stream/reservoir,

(tributaries),

_____ Basin.

6) Water will be discharged at a maximum rate of 0.49328 cfs (221.4 gpm).

7) The amount of water that will be discharged is 357.4 acre-feet per year.

8) The purpose of use for the water being discharged will be Treated Effluent discharge.

9) Additional information required:

For groundwater

1. Provide water quality analysis and 24 hour pump test for the well if one has been conducted.
2. Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map
3. Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
4. What aquifer the water is being pumped from?

For treated effluent

1. What is the TPDES Permit Number? A copy of WQ0004985000 is attached
2. Provide the monthly discharge data for the past 5 years. The facility opened and began discharging in October of 2013; DMR sheets for the life of the facility are attached.
3. What % of treated water was groundwater, surface water? The water sent to treatment is 100% rain water/potential contact stormwater. No surface or groundwater enters the system, nor is it discharged through the treatment system outfall.
4. If any original water is surface water, provide the base water right number. None

Supplemental Environmental Information Sheet

Water right projects have the potential to alter environmental conditions in the state's rivers and streams through flow modification, sediment load alteration, loss of wetlands, and removal of riparian vegetation. The Resource Protection Team assess the effects issuance or amendment of a water right may have on existing instream uses. Instream uses include, but are not limited to, water quality, fish and wildlife habitat, recreation, and freshwater inflows to bays and estuaries.

The following items are suggested guidelines for data to be submitted depending on the nature of the particular application. Please note that *not* all the information identified below is required for the water right application to be considered administratively complete. However, depending on the magnitude and scope of the proposed project, failure to provide requested information for technical review may result in delayed processing times or a recommendation of denial of the application.

ITEMS TO BE PROVIDED FOR ALL APPLICATIONS:

1. USGS 7.5 minute topographic map with all diversion points, discharge points, reservoirs, and/or land to be irrigated clearly indicated.

2. Photographs of the stream at the project area (i.e., diversion point/dam location) including upstream and downstream views. Photographs should be in color and reflect the existing conditions of the stream and the riparian vegetation. Each photograph should include a description of what is depicted as well as be referenced to the USGS topographic map indicating the location and direction of the shot.

3. Brief description of the affected stream or water body at the project location including:

    a) Average and maximum channel width and depth;
    b) Flow characteristics of the stream (i.e., is the stream perennial, intermittent with pools, or intermittent?);
    c) Description of land uses upstream within the watershed, if known.

4. Any known recreation or other public uses of the affected stream or water body.

ADDITIONAL ITEMS TO BE PROVIDED IF AN EXISTING DAM AND RESERVOIR ARE SOUGHT TO BE PERMITTED:

1. Date dam constructed.

2. Will the reservoir be maintained at normal pool elevation with an alternate source of water? If so, identify the source of water. If groundwater will be used, see below.

3. Does the dam have an operational low flow outlet or other means to pass state water?

MINIMAL ADDITIONAL ITEMS TO BE PROVIDED IF A DAM AND RESERVOIR ARE PROPOSED TO BE CONSTRUCTED:

1. In addition to indicating the location of the project location on the USGS topographic map, please identify the area of lake inundation at normal pool level.

2. Provide a brief description of the area to be affected by the proposed dam and reservoir.

3. The local U.S. Army Corps of Engineers (USACE) district should be notified of the proposed project. If the USACE determines that a 404 permit is required, provide the project number and name of the USACE Project Manager.

4. Will the reservoir be maintained at normal pool elevation with an alternate source of water? If so, identify the source of water. If groundwater will be used, see below.

5. Will the dam have a low flow outlet or other means to pass state water?

POSSIBLE ADDITIONAL ITEMS TO BE PROVIDED IF A DAM AND RESERVOIR ARE PROPOSED TO BE CONSTRUCTED:

1. A quantitative or qualitative evaluation of existing aquatic, riparian, wetland, and terrestrial habitats that will be subject to impact by the proposed reservoir project, preferably performed by a qualified third party. Acceptable evaluation procedures to be used may include, but are not limited to, USFWS's Habitat Evaluation Procedures or TPWD's Wildlife Habitat Appraisal Procedure. Any habitat evaluation should include an assessment of the effects of the project on habitats in the river segment downstream.

2. Description of the alternatives that were examined to meet the water needs that the proposed project is intended to fulfill. Were other site locations examined that may result in less environmental impact? How was the size of the proposed reservoir determined? Would a smaller reservoir be adequate to meet the projected water needs? Habitat mitigation shall be considered only after the complete sequencing (avoidance, minimization or modification, and compensation/replacement) process has been performed.

3. Should habitat losses be found to be unavoidable, a mitigation plan should be developed that will compensate for lost or altered ecosystem functions and values imposed by the proposed project. This plan should address both the direct and indirect impacts to aquatic, riparian, and terrestrial habitats, as well as short- and long-term effects that may result from the proposed project. Habitat mitigation plans shall be ensured through binding legal contracts or conservation easements and shall include goals and schedules for completion of those goals. Mitigation areas shall be managed in perpetuity by a party approved by the Commission to maintain the habitat functions and values that will be affected by the proposed project.

ADDITIONAL ITEMS TO BE PROVIDED IF GROUNDWATER WILL BE USED:

Information regarding the groundwater wells to be used in this project and groundwater quality data from each well to be used. Well information should include the following:

a) Depth of well;
b) Name of aquifer from which water is withdrawn;
c) Pumping capacity of well.

Water chemistry information should include but not be limited to the following parameters:

a) Chlorides;
b) Sulfates;
c) Total Dissolved Solids (TDS);
d) pH;
e) Temperature.

If data for on-site wells are unavailable, historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, please note that on-site data may still be required when it becomes available.

Alternatives Analysis Worksheet for Wetland Impacts

1. Alternatives
    1. How could you satisfy your needs in ways which do not affect wetlands?
    2. How could the project be re-designed to fit the site without affecting wetlands?
    3. How could the project be made smaller and still meet your needs?
    4. What other sites were considered?
        1. What geographic area was searched for alternative sites?
        2. How did you determine whether other non-wetland sites are available for development in the area?
    5. What are the consequences of not building the project?

2. Comparison of alternatives
    1. How do the costs for the alternatives considered above?
    2. Are there logistic (location, access, transportation, etc.) factors that limit the alternatives considered?
    3. Are there technological limitations for the alternatives considered?
    4. Are there other reasons certain alternatives are not feasible?

3. If you have not chosen an alternative which would avoid wetland impacts, explain:
    1. Why your alternative was not selected?
    2. What you plan to do to minimize adverse effects on the wetlands impacted?

4. Please provide a comparison of each criterion (from Part II) for each site evaluation in the alternatives analysis.

PERMIT APPLICATION COMPLETION CHECKLIST FOR
HYDROLOGY, WATER CONSERVATION, AND DAM SAFETY

Name(s) of Applicant:

Stream, Basin, and County:

USGS 7.5 minute topographic map with all diversion points, discharge points, reservoirs, and/or land to be irrigated clearly indicated:

Latitude and Longitude of all diversion points and/or reservoirs, including how the coordinates were determined:

Diversion amount:
Diversion rate:

Monthly Diversion Distribution (the amount of the total water that you plan to divert each month):

J	F	M	A	M	J	J	A	S	O	N	D

Reservoir capacity and surface area:

Drainage area:

Request to use the bed and banks of a watercourse and/or reservoir:

Other (copy of contract for water, alternate source of water, accounting plan, etc.)

WATER CONSERVATION PLAN

1. Plan and appropriate data form

2. Please specify the quantitative goals as outlined on the data form

DAM SAFETY

If a reservoir is requested in the application, the following information should be submitted:

1. Surface area and capacity of the reservoir

2. Plans (with engineer's seal) for the reservoir if the dam is over 6 feet high

3. Engineer's signed and sealed hazard classification

4. Statement from engineer that the structure complies with the Chapter 299 Rules and supporting documentation.

Additional Waterbody Information

Brief description of the affected stream or water body at the project location including:

- Houston Ship Channel, Tidal; Segment No. 1007

a) Average and maximum channel width and depth;

- Width – 885 feet across at diversion point

b) Flow characteristics of the stream (i.e., is the stream perennial, intermittent with pools, or intermittent?);

- Perennial, ship channel for maintained for shipping, navigation

c) Description of land uses upstream within the watershed, if known.

- Industrial

4. Any known recreation or other public uses of the affected stream or water body.

- Navigation and industrial use per 30 TAC 307, Appendix A